



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 7, 2022

Re: Horse Fair, Lot 3 – Design Adjustment (Case #70-2022)

Executive Summary

Approval of this request would grant a design adjustment waiving the requirement to construct approximately 1500 feet of sidewalk along the subject site's N. Oakland Gravel Road frontage. This request is being considered concurrently with a request to annex (Case # 74-2022) and permanently zone (Case # 68-2022) a 12.7-acre tract located approximately ½-mile northeast of the US-63 and Prathersville Road interchange

Discussion

McKenzie Daly (owner) is seeking approval of a design adjustment from Section 29-5.1(d) of the UDC to waive the installation of approximately 1500' of sidewalk along the subject site's N. Oakland Gravel Road frontage. The 12.7-acre property is located approximately ½-mile northeast of the US-63 and Prathersville Road interchange on the north side of N. Oakland Gravel Road. Concurrently appearing on the March 7 agenda are requests seeking approval of permanent zoning (Case # 68-2022) and annexation (Case # 74-2022) of the subject property.

The applicant desires to build a single-family home on the 12.7-acre site which, upon annexation, would be connected to the city's sanitary sewer. The site was approved as Lot 3 of a Boone County platting action entitled "Horse Fair Subdivision" in 2005. While sidewalk variances are typically addressed with platting actions, Section 29-5.1(d)(2)(i) of the UDC, requires property having frontage along arterial and collector roadways to install sidewalks at the time of building permitting.

When evaluating sidewalk waiver requests, staff considers the design adjustment criteria of Section 29-5.2(b)(9) of the UDC. In addition, given the subject site is along a portion of N. Oakland Gravel Road considered "unimproved" staff also reviewed the provisions contained within Policy Resolution 48-06A. Pursuant to those provisions, a fee-in-lieu of construction may be considered as an alternative to an out-right waiver of the requirement to construct sidewalks. After evaluating the applicant's request, staff concluded in its report (attached) that the criteria of Section 29-5.2(b)(9) as well as provisions in Policy Resolution 48-06A were not met.

The Planning and Zoning Commission considered the sidewalk waiver request as well as the permanent zoning of the subject property at their February 10, 2022 meeting. The Commission inquired as to what alternatives may be available to the applicant. Staff responded that sidewalk is required along the Lot's entire frontage and stated that replatting the property would require a sewer extension in order to serve any newly created lot.



The applicant provided a presentation of the facts and issues surrounding the practicality of the sidewalk's construction and noted that such improvements may impact the surrounding natural environment. Additional members of the public spoke in favor of granting the waiver given the costs associated with the sidewalk installation and likely limited use of the sidewalk if installed.

Following the applicant's testimony, the Commission questioned the applicant on their intention with the property given its size and discussed several scenarios in which the site could be further subdivided. Commissioners concluded that further subdivision of the land would require sidewalks to be constructed or another waiver to be granted. Following additional discussion regarding the sidewalk waiver criteria and articulation of elements that would support the waiver, the Commission voted to approve the design adjustment by a vote of 9-0.

The Planning and Zoning Commission staff report, locator maps, Policy Resolution 48-06A, site photos, design adjustment worksheet, and meeting minutes excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Possible impacts could be public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Reliable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Mobility, Connectivity, and Accessibility, Tertiary Impact: Not Applicable

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Approve the requested design adjustment waiving the installation of approximately 1500' of sidewalk along the subject site's N. Oakland Gravel Road frontage as recommended by the Planning and Zoning Commission.